

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA)	CIVIL ACTION NO.:
)	
VERSUS)	
)	JUDGE
TWELVE (12) FIREARMS AND)	MAGISTRATE JUDGE
ASSORTED AMMUNITION)	

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW, THE UNITED STATES OF AMERICA, by and through the United States Attorney for the Western District of Louisiana in a civil case of forfeiture in rem and respectfully avers as follows:

I.

This court has jurisdiction pursuant to 28 U.S.C. §§1345 and 1355.

II.

Venue is proper within this judicial district pursuant to 28 U.S.C. §1395.

III.

The plaintiff is the United States of America.

IV.

The defendants are:

(1) One (1) Remington model 1100, 12 gauge, shotgun, serial number: M105875V, made by Remington in Ilion, New York.

(2) One (1) Browning, model Light 12, 12 gauge, shotgun, serial number: 27741, made for Browning by Fabrique Nationale in Herstal, Belgium.

(3) One (1) Remington, model 11-48, 12 gauge, shotgun, serial number: 5106390, made by Remington in Ilion, New York.

(4) One (1) Remington, model 742, .308 caliber, rifle, serial number: 164085, made by Remington in Ilion, New York.

(5) One (1) Remington, model 7600, .30-06 caliber, rifle, serial number: 8600432 with Redfield scope and sling attached, made by Remington in Ilion, New York.

(6) One (1) Harrington and Richardson, model 088, 410 gauge, shotgun, serial number: AZ404471, made by Harrington & Richardson in Gardner, Massachusetts.

(7) One (1) Marlin Firearms Company, model 883, .22 caliber, rifle, serial number: 09505494, made by Marlin in North Haven, Connecticut.

(8) One (1) Wards Western Field (Mossberg), model 36B, .22 caliber, rifle, serial number: NONE, made for Montgomery Ward by O.F. Mossberg in New Haven, Connecticut.

(9) One (1) Iver Johnson, model Champion, 16 gauge, shotgun, serial number HHIH, made by Iver Johnson in Fitchburg, Massachusetts.

(10) One (1) Marlin Firearms Company, model 60, .22 caliber, rifle, serial number: 22328805, made by Marlin in North Haven, Connecticut.

(11) One (1) Smith and Wesson, model 637, .38 caliber, revolver, serial number: CMV5338, made by Smith & Wesson in Springfield, Massachusetts.

(12) One (1) Browning, .22 caliber, rifle, serial number: 3T57676, made for Browning by Fabrique Nationale in Herstal, Belgium.

(13) 55 rounds of Speer .38 caliber ammunition

(14) 9 rounds of assorted 12 gauge ammunition;

(15) 20 rounds of Remington, .30-06 caliber ammunition

(16) 6 rounds of assorted .38 caliber ammunition

(17) 1 round of Winchester-Western, .308 caliber ammunition

(18) 100 rounds of CCI, .22 caliber ammunition

(19) 30 rounds of assorted .357 caliber ammunition

(20) 1 round of Winchester-Western, .38 caliber ammunition

(21) 3 rounds of Winchester-Western, 12 gauge ammunition.

V.

The above described firearms and ammunition were received and/or possessed in the state of Louisiana, thus they have traveled in interstate commerce as defined in 18 U.S.C. § 921(a)(2).

VI.

For the following reasons, the defendant properties listed above have become subject to forfeiture to the United States of America pursuant to 18 U.S.C. § 924(d).

VII.

On June 25, 2012, The Bureau of Alcohol, Tobacco, Firearms and Explosives (hereafter referred to as the "ATF") conducted a search at the residence of Margret and Carlton Welch located at 103 Arthur Frusha Road, Leesville, Louisiana 71446.

VIII.

The defendant property were found lying on and under the bed in the master bedroom, in an open gun safe located in the master bedroom, on top of a dresser in the master bedroom, and in a case in the master bedroom closet.

IX.

While personnel were executing the search warrant, ATF Special Agent Ronald Meadows with Louisiana State Police Master Trooper Steve Netherland interviewed Carlton Welch in the carport area of the residence. Prior to interviewing Carlton Welch, SA Meadows read Carlton Welch an ATF Form 3200.4, Advise of Rights and Waiver. Carlton Welch acknowledged that he understood his rights and signed the form willing to answer questions.

X.

Carlton Welch advised that the bedroom where the firearms were located lying on the bed was the master bedroom. Carlton Welch admitted that he normally sleeps in the master bedroom.

XI.

Carlton Welch admitted that he was aware that felons could not possess firearms. Carlton Welch maintained that he believed that if it was not a violent crime, then it was alright to possess a firearm.

XIII.

Carlton Welch admitted to handling the firearms the night before.

XIV.

Carlton Welch stated that the key to the master bedroom where the guns were stored was on Margaret Welch's key ring and was hanging just inside the entry door.

XV.

After speaking with Carlton Welch, SA Meadows interviewed Margaret Welch in the living room area of the residence. Margaret Welch agreed to voluntarily speak with SA Meadows.

XVI.

Margaret Welch stated that Carlton Welch and she had both laid the firearms out on the bed and emptied the gun cabinet together. Margaret Welch further stated that they did not finish loading the gun safe from the previous night.

XVII.

While she stated that she was not aware that Carlton Welch could not possess firearms, Margaret Welch admitted that she was aware of Carlton Welch's two prior felony convictions.

XVIII.

On or about March 4, 1997, Carlton Welch was found guilty of Sexual Battery and Oral Sexual Battery, and on or about July 18, 1997, Carlton Welch was sentenced in the Eleventh Judicial District Court, State of Louisiana, Parish of Sabine for Sexual Battery. Carlton Welch was sentenced to be confined to Louisiana Department of Corrections at hard labor for 10 years, execution of the last four years of the sentence was suspended and the defendant at that time will be placed on supervised probation for four years.

XIX.

On or about February 15, 1995, Carlton Welch was found guilty of Forcible Rape and that on or about September 8, 1995, Carlton Welch was sentenced by the State of Louisiana, Parish of Vernon, Thirtieth Judicial District Court for Sexual Battery. Carlton Welch was sentenced to serve 9 years hard labor with the Louisiana Department of Public Safety and Corrections with credit for time served.

XX.

The Gun Control Act of 1968 (hereinafter referred to as the “GCA”) generally makes it unlawful for any person who had been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess in or affecting commerce any firearm or ammunition. 18 U.S.C. § 922(g)(1).

XXI.

The GCA further provides that any firearm or ammunition involved in or used in any knowing violation of section 922(g) shall be subject to seizure and forfeiture. 18 U.S.C. § 924(d)(1).

XXII.

As noted, the attached Verification, which is incorporated herein by reference, SA Ronald Meadows, the lead federal agent in this matter, has verified the accuracy of all factual representations contained herein and in the attached Indictment.

WHEREFORE, Plaintiff, the United States of America, prays:

- (1) That due process issue to enforce the forfeiture and give notice to the interested parties to appear and show cause why forfeiture should not be decreed;
- (2) That the defendant properties listed above be condemned and forfeited to the United States of America to be disposed of according to law;
- (3) That this Court grant the government reimbursement of its costs and expenses, including advertising and/or publication costs incurred in this matter;
- (4) That this Court grants such other and further relief as it may deem just and proper.

Respectfully submitted,

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